

131012



December 20, 1991

Reply To
Attn Of: HW-113

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Markworth
Union Pacific Railroad
1416 Dodge Street
Room 930
Omaha, NE 68179

Re: CERCLA Request For Information

Dear Mr. Markworth:

I am writing to request financial information from Union Pacific Railroad regarding its ability to pay for the cleanup of hazardous substances at the Bunker Hill Superfund Site in northern Idaho.

As you know, the Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances at this site, which is listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601 *et seq.* EPA has previously notified Union Pacific Railroad that it is a responsible party jointly and severally liable for the costs of such cleanup under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under the provisions of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), as amended, EPA has the authority to require any person who has or may have information relevant to the following to furnish such information: (1) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (3) information relating to the ability of a person to pay for or perform a cleanup.

Pursuant to EPA's statutory authority contained in Section 104(e) of CERCLA, you are hereby requested to submit information and documents in response to the questions listed below. Please identify the person(s) answering these questions on behalf of Union Pacific Railroad.

1. Please provide a description of Union Pacific Railroad's fixed assets, securities, and other investment holdings. Provide documentation supporting your response.

USEPA SF



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P 783 581 999



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POSTAL SERVICE

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Bob Markworth

Street & No.

Union Pacific Railroad
1416 Dodge St.

P.O., State & ZIP Code

Room 930
Omaha, NE 68179

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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to the back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S.G.P.O. 1990-270-153

2. Please provide a statement listing Union Pacific Railroad's cash and cash equivalent holdings, including the value of the holding and the name, branch, and location of the institution(s) holding the cash or cash equivalent.

3. Please provide all filings, including 10-Ks and 10-Qs, which Union Pacific Railroad has made or been required to make to the Securities Exchange Commission since December 1990, including Union Pacific Railroad's most recent unaudited Pro Forma Consolidated Balance Sheet. Please update this by providing EPA with Union Pacific Railroad's next Quarterly and Annual Report (Form 10-Q) upon its publication, as well as Union Pacific Railroad's next Annual Report (Form 10-K) upon its publication.

4. Please provide the name of all of Union Pacific Railroad's liability insurance carriers and copies of any liability insurance policies that may provide liability coverage for damages resulting from releases of hazardous substances and/or wastes, pollutants, or contaminants. If your insurance policies are voluminous, or if you prefer not to submit them at this time but agree to submit the policies or make them available to EPA at a later date, you may provide EPA with a list of such insurance policies along with the name of the insurer, and the dates, extent, and amounts of such coverage.

Your written response to these questions and request for information must be sent to EPA within twenty-one (21) calendar days of your receipt of this letter. Your response should include all information and records or documents in your possession or control related to the above questions. In your response, include a separate written narrative to each question and subpart of each question in the order requested. If information or documents responsive to any of the above questions are not in your possession, custody, or control, identify the persons or custodian (name, address, telephone number) from whom such information or documents may be obtained.

Regardless of whether the information you possess is voluminous, you must respond to each question within the twenty-one day period. If, after answering each question, you are unable to provide EPA with all of the information and documents requested, you must notify EPA as to the availability of such records and must provide a written description of the types of information available including a description of the types of records or documents maintained, as well as the date of the records, and their current custodian.

For any portion of the information submitted which is alleged to be entitled to confidential treatment, a confidentiality claim must be asserted in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 CFR Section 2.203(b). EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations, 41 Federal Register 36901-36924

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PS Form 3800, June 1990

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☆ U.S.G.P.O. 1990-270-153

PS Form 3800, June 1990 (Reverse)

(September 1, 1976), as amended by 43 Fed. Reg. 39997 (March 17, 1983) and 50 Fed. Reg. 71771 (December 18, 1985). If EPA determines that such information meets the criteria set forth in Section 104(e)(7) of CERCLA and 40 CFR Section 2.203, the information will be disclosed only to the extent, and by means of the procedures, specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of the claim, and information may be made available to the public by EPA without further notice.

Please respond to us within the timeframe indicated above. Your written response should be sent to:

John Meyer, Project Manager
Superfund Branch, HW-113
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Failure to comply with this request may result in EPA's issuance of an order requiring compliance or the initiation of a civil action for appropriate relief, and/or civil penalties under Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5).

The factual and legal discussions contained in this letter are intended solely for notification and information purposes, and are not intended to be relied on as final agency position on any matter set forth herein. Please direct any questions to John Meyer at (206) 553-1271, or Allan Bakalian at (206) 553-1789.

Thank you for your prompt attention to this matter.

Sincerely,


Philip G. Millam, Chief
Superfund Branch

cc: Nancy Roberts, Esq.
Peter Mounsey, USDOJ